

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Wayde Edward Sabina,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 0:08-cv-3903-TLW-PJG
)	
Federal Bureau of Prisons;)	
John LaMana, in his capacity as Warden ¹ ;)	
Louis Fuertes-Rosario, in her capacity as)	
Health Services Administrator;)	
Rex Blocker, in his capacity as Clinical)	
Director;)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Wayde Edward Sabina (“plaintiff”), brought this civil action, *pro se*, on December 1, 2008. (Doc. #1). On March 18, 2009 the defendants filed a motion for summary judgment. (Doc. #19). The plaintiff filed a response in opposition on April 18, 2009. The defendants filed a reply on April 22, 2009. (Doc. #26). The plaintiff then filed a sur reply on May 15, 2009. (Doc. #32).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett to whom this case had previously been assigned. (Doc. #34). In the Report, the Magistrate Judge recommends that the District Court grant the defendants’ motion for summary judgment, deny the plaintiff’s request for permanent injunctive relief, and terminate all pending motions. (Doc. #34). The plaintiff filed objections to the report. (Doc. #36). The defendants filed a reply to the objections on March 10, 2010. (Doc.

¹Pursuant to Federal Rule of Civil Procedure 25(d), the current Warden of FCI Edgefield, Mary M. Mitchell, is substituted for Defendant John J. LaManna.

#38). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #34). Therefore, for the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment, (Doc. #19), is hereby **GRANTED** and the plaintiff's request for permanent injunctive relief is hereby **DENIED**. In addition, all pending motions are hereby **TERMINATED**. (Doc. #22).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 11, 2010
Florence, South Carolina